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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

EXHIBIT
C

TINA MOORE, et al.,)
)
Plaintiffs,)
)
vs.) No. 4:14-CV-1443 SNLJ
) 4:14-CV-1447 SNLJ
CITY OF FERGUSON, et al.,) (Consolidated)
)
Defendants.)

DEPOSITION OF FATIMA SHURN

Taken on behalf of Defendant

January 13, 2016

Kathy Bauernfeind, CCR #1361

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9 DEPOSITION OF FATIMA SHURN, produced,
10 sworn, and examined on behalf of Defendant, January
11 13, 2016, commencing at 10:25 a.m. and concluding at
12 11:09 a.m., at Pitzer Snodgrass, P.C., 100 South 4th
Street, St. Louis, Missouri, before Kathy Bauernfeind,
a Certified Shorthand Reporter for the State of
Missouri.

13 A P P E A R A N C E S

14 FOR PLAINTIFFS DELORES MOORE AND RENEE RODGERS, AS
NEXT FRIEND FOR A.D.R., A MINOR:

16 BATY, HOLM, NUMRICH & OTTO, P.C.
BY: TODD M. JOHNSON, ESQ.
4600 Madison Avenue, Suite 210
17 Kansas City, Missouri 64112

18 FOR PLAINTIFFS TINA MOORE AND ESTATE OF JASON MOORE:

19 THE FLOYD LAW FIRM
20 BY: MARK FLOYD, ESQ.
21 8151 Clayton Road, Suite 202
22 St. Louis, Missouri 63117

22 DOWD & DOWD, P.C.
BY: WILLIAM T. DOWD, ESQ.
211 North Broadway, Suite 4050
23 St. Louis, Missouri 63102

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1

A P P E A R A N C E S

2

3 FOR DEFENDANTS:

4

PITZER SNODGRASS, P.C.

5

BY: IDA S. SHAFIAIE, ESQ.

6

100 South Fourth Street, Suite 400
St. Louis, Missouri 63102

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EXAMINATION BY MS. SHAFAIE

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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between Counsel for the Plaintiff and Counsel for the
3 Defendants, that this deposition may be taken in
4 shorthand by Kathy Bauernfeind, a Certified Shorthand
5 Reporter, and afterwards transcribed into typewriting,
6 and the signature of the witness is not waived by
7 agreement of counsel and the witness.

8 O-O-O

9 FATIMA SHURN,
10 having been first duly sworn, was
11 examined and testified as follows:

12 * * * * *

13 EXAMINATION

14 BY MS. SHAFAIE:

15 Q. As I stated before, my name is Ida Shafaie.
16 I'm an attorney that represents the City of Ferguson
17 in a suit brought by the family of a man named Jason
18 Moore.

19 And so before we get started here, I'm just
20 going to go over a couple preliminary things with you.
21 Is there any reason why you may not be able to
22 understand any of my questions today, if you have any
23 sort of condition, or anything like that?

24 **A. No.**

25 Q. Okay.

EXAMINATION BY MS. SHAFIAIE

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1 Are you taking any medication or under
2 prescription of any drugs that would prevent your
3 ability to understand my questions?

4 **A. No, ma'am.**

5 Q. As we're going along, I'm going to be
6 asking you questions. Sometimes my questions will be
7 vague or confusing to you. So if you'll just let me
8 know that the question doesn't make sense or you need
9 clarification, I will make sure that I clarify it for
10 you before you answer it. Do you understand that?

11 **A. Yeah.**

12 Q. And you're doing a good job of it, but if
13 you'll keep your voice up a little bit, and also if
14 you'll make sure that you answer with yes --

15 **A. Yes or no.**

16 Q. -- or no, okay. Sounds like you've had
17 some experience --

18 **A. Yeah.**

19 Q. -- with this before. Okay.

20 **A. Well, not with this, but yes.**

21 Q. Gotcha. Gotcha.

22 And if you'll just make sure that you let
23 me completely state my question before you give your
24 answer, that way the court reporter is not trying to
25 transcribe what we say when we're talking over each

EXAMINATION BY MS. SHAFAIE

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1 other. Okay?

2 **A. Yes.**

3 Q. Could you please state your full name for
4 the record?

5 **A. My name is Fatima Michelle Shurn.**

6 Q. And what's your date of birth?

7 **A. 2/22/69.**

8 Q. What is your current address?

9 **A. 6128 Hancock.**

10 Q. And where is that?

11 **A. Berkeley, Missouri 63134.**

12 Q. Did you ever live in Ferguson, Missouri?

13 **A. Yes.**

14 Q. When was that?

15 **A. Back in 2000 -- I believe we moved in 2010**
16 **or '11.**

17 Q. Do you know what your address was back in
18 September of 2011?

19 **A. 801.**

20 Q. 801...

21 **A. Airport Road.**

22 Q. Okay.

23 **A. Sorry.**

24 Q. No, you're fine.

25 So approximately how long did you live in

EXAMINATION BY MS. SHAFIAIE

Page 8

1 Ferguson?

2 A. It was just -- it wasn't long. So it had
3 to be maybe -- I'm going to say almost a year. I
4 could say almost a year, then I moved out.

5 Q. What's your current occupation?

6 A. Current occupation right now, I'm a cashier
7 at Super Park. At the time I was working for the City
8 of Berkeley, when I was staying at Airport Road.

9 Q. Back when you were living on Airport Road,
10 do you know approximately how far your residence there
11 was from North Marguerite?

12 A. That would be the street over from Dade,
13 because I was Airport, this is Dade, and Marguerite
14 was like the next street over. So a block over.

15 Q. And you understand that you're here today
16 because you were identified as someone who witnessed
17 an incident involving a man named Jason Moore back in
18 September of 2011?

19 A. Yes.

20 Q. Okay.

21 When did you first see or hear this man?

22 A. I'm not remembering the date, but the time
23 was 6:00 in the morning. Because he was walking --
24 mainly he woke the family up because he was outside
25 screaming, hollering, so mainly he was on the corner

EXAMINATION BY MS. SHAFIAIE

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1 of Dade and Airport Road.

2 Q. Okay.

3 A. And like I say, at that time the house I
4 was staying at was on the corner of Dade and Airport
5 Road, so that means I could hear him screaming and
6 hollering. That woke me up. And when I looked out
7 the window, that's when he was going down Airport
8 Road.

9 Q. Okay. So you said that you at first heard
10 screaming and hollering, is that right?

11 A. Yeah. I thought there was somebody outside
12 arguing, you know, a female and a male, but not
13 hearing nobody else. That made me look out the
14 window, and that's when I seen Mr. Moore going down
15 the street. You know, hollering and screaming going
16 down the street with no clothes on.

17 Q. And when you first heard the hollering and
18 screaming, was it a male or female voice?

19 A. I couldn't determine because, you know,
20 when you wake up, you, you know, like okay, what is
21 that? Who is -- you know, so early in the morning so
22 I didn't -- didn't know until I looked out the window.
23 Because we didn't open the door, we just mainly looked
24 out the window, and that's when we just seen Mr.
25 Moore, you know, outside by his self.

EXAMINATION BY MS. SHAFAIE

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1 Q. And you've been using the word "we." Were
2 there other people in the house where you were at that
3 were --

4 A. **My daughters.**

5 Q. Your daughters. How old are they?

6 A. **At the time?**

7 Q. At the time. At the time.

8 A. **Don't get me wrong, they could have been --**
9 **my oldest maybe been 25.**

10 Q. Okay.

11 A. **The youngest, she probably was 18. My**
12 **middle child maybe was 19, 20. Because they like**
13 **right behind each other, so they like steps, so don't**
14 **quote me, I might have it wrong, but they...**

15 Q. It's okay. Can you give me their names?

16 A. **Ajah, A-j-a-h, Shurn. Rosalind Murrel.**

17 **And Alexus Murrel.**

18 Q. And so your girls woke up as well around
19 the same time you were hearing this yelling and
20 screaming?

21 A. **Yes.**

22 MR. JOHNSON: Object to form. Lacks
23 foundation.

24 Q. (BY MS. SHAFAIE) And did they actually
25 come up and you talk to you at that point? Did you

EXAMINATION BY MS. SHAFIAIE

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1 see them?

2 A. Like I said, we all -- at that time I was
3 sleeping on the couch.

4 Q. Okay.

5 A. Because we had -- I had brand -- you know,
6 my daughter, my oldest had twins, so, you know, I had
7 them with me laying on the couch. But we all woke up
8 around the same time. Because, you know, like I say,
9 Rosalind room is right there by Dade, and Ajah, her
10 room was right by Rosalind, so that's still right by
11 Dade. And then Alexus room was right across the
12 street -- I mean right across from Ajah.

13 So yes, we all woke up around the same
14 time. And they was like, mama, what is that? Who is
15 outside arguing? You know. You get upset for
16 somebody to wake you up that early in the morning. So
17 yes, we all woke up around the same time. I just went
18 to the kitchen window, and that's like I said, because
19 I told Rosalind not to open up the door because I
20 didn't know what was going on.

21 Q. Did your girls come to the window with you,
22 or was it just you that went to the window?

23 A. Rosalind went to her window, I went to the
24 kitchen window, and Alexus and Ajah was mainly just
25 right there in the living room.

EXAMINATION BY MS. SHAFIAIE

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1 Q. Did Rosalind tell you whether she saw
2 anything out the window?

3 A. I said, you know, I seen Mr. Moore.

4 Q. Okay.

5 A. You know, because I couldn't -- like I
6 said, we couldn't see -- if you would determine -- if
7 you could see the house, because the house was like,
8 this is the front door facing Airport Road. Her
9 window was facing Dade.

10 Q. Okay.

11 A. But the kitchen window is facing Airport
12 Road. So when I look, I could still look at the
13 corner of Dade and Airport at the stop light, and
14 that's how I seen him. Because he was standing in the
15 middle of the street.

16 Q. Okay. So when you say that he was standing
17 in the middle of the street, was he standing in the
18 lanes that the vehicles travel or on the sidewalk?

19 A. In the middle of the street, where the cars
20 were, you know, coming up and down Airport Road.

21 Q. And you may have already said this. Was he
22 wearing any clothes that --

23 A. No, ma'am, he was not.

24 Q. Do you know at this time when you saw him
25 in the morning, was it light or dark outside?

EXAMINATION BY MS. SHAFIAIE

Page 13

1 **A. It was light.**

2 Q. Okay.

3 **A. Because it was -- I believe it was**
4 **summertime.**

5 Q. Okay. And when you saw him standing in the
6 road, could you tell either by hearing or seeing
7 whether he was still yelling or screaming?

8 **A. He was yelling.**

9 Q. Okay.

10 **A. I am God or I'm king. And like I say, you**
11 **know, being scared, I'm not going to open the door,**
12 **because like I said, I didn't know what was going on.**
13 **So we didn't go outside until he seemed further down**
14 **Airport Road.**

15 Q. And you stated that you were scared. Why
16 were you scared? What made you scared?

17 **A. Because somebody is, you know, standing**
18 **outside with no clothes on. I mean, you not -- not**
19 **knowing what his condition was, I mean, I didn't know**
20 **what was going on, I'm just like, a man outside with**
21 **no clothes on, what's going on, and you're screaming,**
22 **"I am king, I am God," and then you're pushing cars,**
23 **like -- like you're the Hulk or something, you know, I**
24 **mean, I wasn't going outside. I don't want you to**
25 **come over, run to us and, you know, harm us.**

EXAMINATION BY MS. SHAFIAIE

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1 **So no, we didn't go outside until he**
2 **proceeded on down Airport Road. And then that's -- by**
3 **that time, that's when we all were on the phone**
4 **calling the police and letting them know there was**
5 **somebody down there, going down the street, you know.**

6 Q. And you stated something about you saw him
7 pushing cars like he was the Hulk. When you first saw
8 him when you were looking out of the window, were
9 there other cars on the -- were there cars on the
10 roadway --

11 **A. Yes, ma'am.**

12 Q. -- where he was?

13 **A. Yes, ma'am, there was cars on the roadway.**

14 Q. And did you actually see him push or make
15 contact with any of those cars?

16 **A. Yes, ma'am. He pushed a couple cars. You**
17 **know. Like, you know, some cars come towards him, he**
18 **pushed. And they like -- one car he kind of went to**
19 **the side and, you know, was like mainly almost trying**
20 **to break the window or maybe, you know, push the car**
21 **over. Like I said, then I just walked away from the,**
22 **you know, the window, and that's when I proceeded to**
23 **call the police department.**

24 Q. Did it look like any of the cars had to
25 swerve to avoid the man, or did any of them hit him?

EXAMINATION BY MS. SHAFIAIE

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1 A. You got --

2 MR. JOHNSON: Object to form, compound.

3 A. You got to remember, that's back in 2011.

4 I can't barely remember if they did swerve or they did
5 not. I'm not clear for sure on that. I just know I
6 just seen him hit multiple, you know, multiple cars.
7 You know, some cars coming towards him, he just pushed
8 or -- you know, and they might blew their horn at him,
9 and some he just like went to the windows or pushing
10 on the car. Like I say, after that, that's when I
11 walked away from the window and proceeded to call the
12 police.

13 Q. And were you the one who actually made the
14 call?

15 A. There was people before me. Because when I
16 did call the police department, and we were -- I was
17 saying there was a gentleman or young man walking down
18 Airport Road with no clothes on, they were like, well,
19 you're not the only one who has called on this. We
20 have more people calling.

21 Q. Okay.

22 A. So I wasn't the only one that called on
23 this.

24 Q. After you called 911, what did you do after
25 that?

EXAMINATION BY MS. SHAFAIE

Page 16

1 A. There wasn't nothing else for me to do.

2 Like they said they had police on their way.

3 Q. Did you ever go -- or did you ever see
4 where that man went?

5 A. No. Because like I say, I stayed in the
6 house. I mean I came outside, and like I said, you
7 know, after he proceeded to go further down Airport
8 Road, then I came outside on the porch. And that's
9 when, you know, we still noticed him, he was still
10 pushing cars. But other than that, I didn't go
11 nowhere further than my front porch, and I went back
12 in the house because, like I say, my grandbabies were
13 infants so I couldn't leave them in the house.

14 Q. So when you went outside onto your porch,
15 you could still see the man but he was further away,
16 is that correct?

17 A. Yeah.

18 Q. Okay.

19 A. And then after he got further down, then I
20 couldn't see anything else and couldn't tell you what,
21 you know, what happened after that. Because I didn't
22 go no further than my front porch.

23 Q. Okay. Did you ever see any ambulance or
24 police cars?

25 A. Yes, ma'am, I did see police cars and I

EXAMINATION BY MS. SHAFIAIE

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1 heard the ambulance. Because, you know, they could
2 have come from the opposite way so -- but you could
3 hear the ambulance, and I did see police cars going
4 towards the way that he was heading to.

5 Q. Did you ever see the police interact with
6 the man?

7 A. No, ma'am, I did not.

8 Q. Were you ever contacted by the police to
9 give a written statement?

10 A. They came back to the house.

11 Q. Okay.

12 A. And I believe we -- I believe I wrote a
13 statement.

14 Q. And would that have been on the same day?

15 A. I remember -- I mean, I don't remember
16 that, if it was the same day or not. Could have been
17 a day after or a week or so. I'm not for sure exactly
18 what day it was, but I do know that after everything
19 was over, we had a police officer -- I can't remember
20 his name -- he did come back to the house. You know,
21 as a concerned citizen, hey, is he okay? But he did
22 not give us no information. He just said, you know, I
23 guess he was transported to the hospital, and after
24 that, you know, it was...

25 MS. SHAFIAIE: I'm going to mark this.

EXAMINATION BY MS. SHAFAIE

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1 (Exhibit 1 was marked.)

2 Q. (BY MS. SHAFAIE) I'm going to hand you
3 what I am marking as Exhibit 1. If you'll take a look
4 at that.

5 A. That's where my daughter was writing it,
6 yeah.

7 Q. Do you recognize this Exhibit 1 that I've
8 handed you?

9 A. Yes, ma'am. Like I say, my daughter wrote
10 this.

11 Q. Your daughter wrote that?

12 A. Yeah.

13 Q. Were you with her when she was writing it
14 down?

15 A. Yeah, we probably trying to all remember.

16 Q. Okay. Is that your signature there at the
17 bottom?

18 A. Yeah, that's my signature, but she -- I
19 believe this is Alexus was writing. You know, when
20 you're upset and, I mean, you know you're just scared
21 and like, whoa, what's going on. So like I said, when
22 the police officer came, like I say, I don't remember,
23 like I say, what day it was, but she was writing stuff
24 down.

25 Q. And were you telling Alexus what to write

EXAMINATION BY MS. SHAFAIE

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1 down?

2 **A. No. No. She was right there as well, so I**
3 **didn't go -- like I say, after I went on the porch and**
4 **he was further going down the street, that's all I**
5 **remember. Like I say, after he got down the street, I**
6 **don't know what happened.**

7 **Q. And have you read what's contained in**
8 **Exhibit 1 in the paragraph there?**

9 **A. About him getting Tased?**

10 **Q. Just everything there in the paragraph.**

11 **A. Yeah.**

12 **Q. Is there anything in there that you**
13 **disagree with or you think is not correct?**

14 **A. This man --**

15 **MR. DOWD: Objection; calls for**
16 **speculation.**

17 **MR. JOHNSON: Lacks foundation.**

18 **A. This man is all I seen. Mainly the same**
19 **thing I'm saying. We were woken up hearing somebody**
20 **screaming, seeing a naked person, you know, running up**
21 **and down the street, pushing cars. I don't know if**
22 **he's trying to kill us. I just know he was pushing**
23 **cars and stuff like that. And he proceeded on down**
24 **Airport Road.**

25 **MR. FLOYD: I'm further going to object to**

EXAMINATION BY MS. SHAFAIE

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1 this exhibit as hearsay. It's not the written
2 statement of the deponent.

3 Q. (BY MS. SHAFAIE) In that Exhibit 1 that
4 you have right there, there is something written that
5 he was trying to get himself hit, do you see that?
6 It's almost halfway --

7 A. You're talking about just trying to get
8 himself hit?

9 Q. Yes. Did you observe the man in the road
10 doing anything that appeared to you like he was trying
11 to get himself hit by a car?

12 MR. JOHNSON: Object to form. Lacks
13 foundation. Calls for speculation.

14 A. I mean, as a person, you know, as a human
15 being, if you see somebody in the middle of the
16 street, yes, you would think he's trying to, you know,
17 get his self hit. Because you have cars and the
18 speed -- you know, they wasn't speed, speed, but, you
19 know, cars coming down and they see this young man
20 that's in the middle of the street, like okay, you
21 know, are you trying to get yourself killed or what's
22 going on.

23 Q. (BY MS. SHAFAIE) This man that you saw on
24 the street, had you ever seen him or met him before?

25 A. No, ma'am, I had not.

EXAMINATION BY MS. SHAFAIE

Page 21

1 Q. Do you know any of his family members?

2 A. **No, ma'am.**

3 Q. Was there any other person in the middle of
4 the street when this man was out in the middle the
5 street?

6 A. **No.**

7 Q. Did you tell the police anything that you
8 haven't told us here today?

9 A. **I'm sorry, say it again.**

10 Q. When the police came to talk to you that
11 day or shortly thereafter, did you tell them anything
12 that you haven't told us today?

13 A. **Same thing I'm telling you is the same
14 thing we told the police officer.**

15 Q. Have you ever spoken to any of these other
16 attorneys in the room today?

17 A. **A gentleman came, you know, everybody has
18 stopped by, but I have told the same thing to the
19 attorneys. I guess they're representing the family.
20 That's the same thing I told them.**

21 Q. Okay. And which attorneys were that? You
22 can just point to them if you're not sure --

23 A. **I can't remember first name.**

24 Q. Is it just --

25 A. **I believe it was another one but I can't --**

EXAMINATION BY MS. SHAFIAE

Page 22

1 **you got to remember, this has been --**

2 Q. Sure.

3 A. -- you know, last year or year before last,
4 it's been many, you know, so I can't remember
5 everybody's face like that.

6 Q. But you think you may have talked to this
7 gentleman, Mr. Floyd, before. That's the gentleman
8 right here. I represent to you that's Mr. Floyd.

9 A. Yeah, I think his face is familiar. You
10 know, everybody looks like the same.

11 Q. Sure. I understand.

12 And did you tell either Mr. Floyd or any of
13 the other attorneys who you may have spoke with about
14 this incident, anything that you haven't told me here
15 today?

16 A. Haven't spoke to anybody else about this
17 situation but, you know, that attorney, that's it.
18 That's all -- we try to let that go, you know. We
19 hate that he lost his life, but, you know, but nobody
20 else -- we have not discussed it with anybody else.

21 Q. And it sounds like maybe you learned a
22 little bit more about maybe what happened to this man
23 after you saw him, is that correct?

24 A. I mean, just hearsay, you know. But other
25 than that, we just know that he lost his life. You

EXAMINATION BY MS. SHAFIAIE

Page 23

1 know. He passed away. That was it. And we don't
2 know his family members. We don't know anybody else
3 that really knew him. You know, but you just hear
4 hearsay on the street and being, like I say, we heard
5 that he did not make it. And, you know.

6 Q. Okay.

7 You stated that a police officer came to
8 talk to you either that day or maybe shortly
9 thereafter --

10 A. Yeah, shortly thereafter the police came
11 back. You know how you question, you know how you ask
12 and he was like really couldn't tell us all the
13 information, was like, hey, was he okay? He was like,
14 well, he's been transported, you know, to the
15 hospital. And that's mainly all he really could tell
16 us. And we was like, okay. And that's when he said
17 he would be back and, you know, to write a statement.

18 Q. And were you contacted by the police at any
19 other point after that --

20 A. No, ma'am.

21 Q. -- regarding this incident?

22 A. No.

23 Q. Okay.

24 A. Like I say, shortly after this incident, I
25 believe we moved away from Airport.

EXAMINATION BY MS. SHAFIAIE

Page 24

1 Q. Is there anything else that you remember or
2 want to say about this incident that we haven't talked
3 about?

4 A. What I just said to you is all -- all I
5 remember, all I know.

6 Q. Okay.

7 A. I don't know anything else after, you know,
8 we heard that he was Tased, and, you know, that's it.

9 Q. And who did you hear that from, that he was
10 Tased?

11 A. Like I say, the police officer, and my
12 daughters, they did, you know, kind of try to hurry up
13 get down the street. But like I say, by the time they
14 made it down the street, he was already on the ground
15 Tased and the ambulance was getting ready to put him
16 in the ambulance.

17 Q. Which one of your daughters went down the
18 street?

19 A. Alexus, Ajah -- I think all three of them.
20 That's why I say I was in the house because I stayed
21 there with the granddaughters. The twins, I'm sorry.

22 Q. And did any of the three of them tell you
23 if they saw the man interacting with the police?

24 A. No. Like I said, by the time they made it
25 down there, he was already on the ground. And the

EXAMINATION BY MR. DOWD

Page 25

1 paramedics I guess were getting ready to put him in
2 the ambulance.

3 MS. SHAFAIE: Okay. Thank you. I don't
4 have any further questions at this time. These
5 gentlemen may have some questions for you.

6 EXAMINATION

7 BY MR. DOWD:

8 Q. Good morning. My name is Bill Dowd. I
9 represent Tina Moore, Mr. Moore's widow.

10 Can you see the intersection of Airport and
11 Henquin from your front porch?

12 A. I can see the intersection of Airport Road
13 and Dade. Because at that time I stayed on the
14 corner.

15 Q. And about how far is it to the intersection
16 of Henquin and Airport Road?

17 A. Henquin is further. Just saying that --

18 Q. Your house is --

19 A. This is my front, Henquin is further down.
20 And no, sir, I couldn't see.

21 Q. So you're indicating it's to the west?

22 A. Towards -- going towards 170.

23 Q. Gotcha.

24 And does Airport Road sort of curve there,
25 come over a hill and curves to the right a little

EXAMINATION BY MR. DOWD

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1 towards Henquin?

2 **A. Yes.**

3 Q. So you could not see the intersection --

4 **A. No, sir, I could not see. After he got to**
5 **the -- you know, like I say, after you get to the**
6 **almost curve, you cannot see what's going on down.**

7 Q. Okay. About how much time do you think
8 passed from the time you lost sight of him as he went
9 down the hill and towards Henquin until your daughters
10 left the house?

11 **A. He was already probably already down there**
12 **by the time they decided, I could say being nosey,**
13 **because they had to slip on clothes and shoes. And**
14 **like I say, by the time they got shoes and coats or**
15 **whatever -- I don't think it was coats, but shoes on**
16 **and shirts and -- or whatever, by the time they made**
17 **it down there, to where he was, he was already -- he**
18 **was already on the ground and paramedics were there,**
19 **working on him, and getting ready to put him in the**
20 **ambulance.**

21 Q. So you said that previously that you heard
22 sirens that morning, is that correct?

23 **A. Sirens?**

24 Q. Yes.

25 **A. I heard the police officers going down. So**

EXAMINATION BY MR. DOWD

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1 this is like that three or four police officers. And
2 by the time, you know, you could hear the different
3 sirens, you know, sirens from the police car and
4 sirens of an ambulance.

5 Q. Right.

6 A. So yes, that's all I could say I could just
7 hear because I was in the house.

8 Q. So you could hear multiple sirens and
9 different kinds of sirens.

10 A. Yes.

11 Q. When you heard the sirens was that -- how
12 long was that after you had called 911, approximately?

13 A. While I was on the phone with 911, and like
14 I say, they already saying there was a young man
15 running down the street, no clothes on, pushing cars.
16 They were -- that's when they told me that they
17 already had got previous calls on this situation.
18 Hearing in that time you see police officers coming.

19 Q. And you could hear --

20 A. And maybe just 15 to 20 minutes later, you
21 know, you heard the ambulance.

22 Q. So shortly after you were on the phone with
23 the 911 you heard ambulance --

24 A. Yeah.

25 Q. -- excuse me, you heard sirens.

EXAMINATION BY MR. DOWD

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1 A. I heard sirens. You could see the police
2 cars going down Airport Road.

3 Q. And they were going in the same direction
4 as the man had run?

5 A. Yes, sir.

6 Q. Tell me how you learned that the man had
7 passed away.

8 A. We asked the -- asked the officer, but he
9 didn't really give us no details. And you could just,
10 you know -- street-wise, you know, people talk, and
11 that's when they said that Jason Moore had passed.
12 And I'm like, you know, not knowing who Jason Moore
13 is, but they were saying the young man that was, you
14 know, as people say, that the police officers of
15 Ferguson, you know, hit.

16 Q. So was part of the reason that you called
17 the police that morning to help this man that you were
18 observing having some kind of a mental issue?

19 MS. SHAFIAIE: Object to foundation.

20 You can answer.

21 A. I mean, I didn't know what his problem was.
22 I just was upset because I got woken up at 6:00 in the
23 morning, and I was thinking that somebody was outside
24 our door, you know, outside our yard arguing. But
25 like I said, when I proceeded to get up and look out

EXAMINATION BY MR. DOWD

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1 the window, there is a young man that was there. You
2 know.

3 Q. And you realized he wasn't arguing with
4 anyone.

5 A. Right. He was just -- we was like, what's
6 going on? You know, what's wrong with this young man,
7 that he's outside, you know, no clothes, in the middle
8 of the street, cars, you know, coming towards him, he
9 keeps pushing cars and running to cars and, you know,
10 and pushing them like he's trying to knock them over.

11 So, okay, is he on something? What's going on?
12 Because you can't determine if somebody -- because
13 people go through a lot of things in life, so I didn't
14 know if he was on anything or if he was mentally, you
15 know -- so I didn't know -- like I said, I didn't know
16 him at all so I didn't know what was going on.

17 Q. Understood. You initially thought maybe
18 there was an argument, but when you were able to
19 actually observe him, you realized there was something
20 wrong with him.

21 A. Yeah, you know, just seeing him outside,
22 you know, yeah, you going to think something is wrong
23 because you're standing in the middle of the Airport
24 Road naked.

25 Q. And that's when you decided to call the

EXAMINATION BY MR. DOWD

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1 police?

2 **A. Yeah. You know, I call and, hey, there is**
3 **a young man that's outside on Airport Road, he's on**
4 **Airport Road, he's on Airport Road with no clothes on.**

5 Q. And he's moving away from your house?

6 **A. Yeah.**

7 Q. While you're on the phone with the police,
8 right?

9 **A. Yeah, going on down.**

10 Q. So the danger that you originally perceived
11 you realized there was actually something wrong with
12 the man, and you now knew he's moving away from your
13 house --

14 **A. Yeah.**

15 Q. -- by the time you --

16 MS. SHAFAYIE: Object to the form. Form and
17 foundation.

18 **A. Talking to the police officer -- you know,**
19 **talking to the dispatcher, when they told me they**
20 **already got calls on this, I said, okay.**

21 Q. (BY MR. DOWD) If you look at Exhibit 1
22 that the defense has given you. You didn't see
23 everything in this statement, correct?

24 **A. Like I say, I heard the screaming outside**
25 **our door.**

EXAMINATION BY MR. DOWD

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1 Q. Particularly at the bottom, the last
2 sentence, you said you heard he was Tased. That's
3 something that you did not see but heard from
4 someone --

5 A. **Yeah, when one of my daughters got down to**
6 **the -- that's when other people that was outside**
7 **witnessed and they were saying that he got Tased.**

8 Q. That's what I mean. You didn't observe
9 that.

10 A. **No, I did not observe it, because I did not**
11 **leave -- I didn't leave the premises of where I was**
12 **staying at. Because I had -- like I say, I had**
13 **grandbabies that I was, you know, staying with.**

14 Q. You were able to hear the man scream, "I am
15 God, I am king"?

16 A. **Yes, that's mainly what woke us.**

17 Q. Is that part of why you were testifying
18 previously that you thought something was wrong with
19 him?

20 A. **Yes, because, I mean, you know.**

21 Q. I understand.

22 A. **I am God, I am king, and, you know, I'm**
23 **like, okay, what's wrong with this guy.**

24 MR. DOWD: I don't have anything else.

25 Thank you.

EXAMINATION BY MR. FLOYD

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1 MR. FLOYD: I have a couple.

2 EXAMINATION

3 BY MR. FLOYD:

4 Q. My name is Mark Floyd. I am representing
5 Tina Moore, which is Jason Moore's widow. A couple of
6 questions.

7 This whole incident occurred over four
8 years ago. And I just want to -- and you mentioned
9 that it's been a while. And I want to go over some of
10 the facts to find out what you're really clear about,
11 and then there were some things since that time you've
12 heard from other people or what somebody told somebody
13 and you got some information that way. Is that
14 correct?

15 A. Yeah, just, you know, street, you know,
16 that like I said, at the time I worked at the City of
17 Berkeley, and, you know, you just hear, you know, from
18 off the streets. Because like I said, I don't know
19 none of his family so...

20 Q. And I'm trying to narrow it down what is
21 actually firsthand experience, where someone's eyes
22 actually saw something happen. So that's one thing
23 I'm trying to do here. And just so that we're clear,
24 you actually saw Mr. Moore with your eyes in the
25 street naked, is that correct?

EXAMINATION BY MR. FLOYD

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1 **A. Yes.**

2 Q. And how many seconds do you think that was?

3 Did you watch him for an extended period of time, or
4 was it for a few seconds, 10 seconds, 5 seconds?

5 **A. I mean, it's -- you woken up out of your**
6 **sleep and you -- you know, like I say, all of us were**
7 **woken up and I'm like -- went to the window, because**
8 **my daughter was getting ready to open up the front**
9 **door, and I told her no. When I went to the window,**
10 **I'm seeing like -- there is a guy standing outside,**
11 **you know, outside on Airport Road with no clothes on,**
12 **so mainly like what is going on. And like I said, we**
13 **looking, he's -- by that time he's starting to push**
14 **cars, whatever. And that's when I got my cell phone**
15 **and I called -- proceeded to call the police**
16 **department and, well, you know --**

17 Q. Do you think it would have been less than
18 30 seconds that you actually saw him?

19 **A. I'm not for sure. I can't really say. I**
20 **mean, because, you know --**

21 Q. Is it within reason to say 30 seconds?

22 **A. I would say yes, sir.**

23 Q. And what you did see in that time is you
24 saw a naked man, is that correct?

25 **A. Yes.**

EXAMINATION BY MR. FLOYD

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1 Q. And the man had no weapon.

2 A. **No, he didn't.**

3 Q. And you didn't hear him make any threats to
4 anyone, did you?

5 A. **No. All he kept saying is, "I am king, I**
6 **am God," and proceeded to push cars and like he**
7 **was trying to --**

8 Q. And I had heard that, the pushing, the
9 pushing, pushing. At no time -- but you never saw him
10 rear back and try to punch through a window, did you?
11 He was just pushing on the cars?

12 A. **Like I say, it's been four years. I can't**
13 **say yes, if he was trying to push.**

14 Q. So you never -- you can't say you saw it.

15 A. **I can't say that he tried to hit a window**
16 **or not because, you know, that's been so long, I can't**
17 **I can't say yes and I can't say no.**

18 Q. I'm only interested in what you did see and
19 what you can remember. And it's fair enough to say
20 then that you don't remember him every doing that --

21 A. **I cannot remember that. I don't know if he**
22 **did or not. I just know I noticed him pushing cars.**
23 **One car he did like went to the window, but he was**
24 **like --**

25 Q. Pushing, and you have --

EXAMINATION BY MR. FLOYD

Page 35

1 **A. Yes.**

2 Q. -- you have the palms going forward.

3 **A. Like he's trying to -- okay, you know.**

4 Q. And no one -- and just so that I'm clear,
5 in this deposition, you're giving us -- you're moving
6 your hands to describe it, and you're opening both
7 hands up and you're putting the palms forward like a
8 push.

9 **A. Yes.**

10 Q. Okay.

11 And so that behavior that you did see in
12 that short amount of time that you were able to
13 actually visualize him, you perceived that to be
14 unusual behavior, correct?

15 **A. Yeah.**

16 Q. Abnormal behavior?

17 **A. Abnormal behavior because of the, you know,**
18 **not knowing what was going on.**

19 Q. Did you perceive it as, whatever the case
20 was, I think I heard you testify earlier you didn't
21 know what was going on, if it was a mental issue, if
22 it was drugs, but did you -- is that correct?

23 **A. Yes, I didn't know what his --**

24 Q. Did you perceive this as some type of
25 crisis that he was dealing with?

EXAMINATION BY MR. FLOYD

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1 MS. SHAFAIE: Object to foundation.

2 A. Sir, all I know, I just seen a young man in
3 the middle of the street with no clothes on, so I just
4 called the police.

5 Q. (BY MR. FLOYD) And when you called the
6 police, did you expect them to handle the situation?

7 A. When I called, I just said, you know, I
8 have a young -- it's a person that's running, you
9 know -- there's a person on Airport Road, no clothes
10 on, pushing cars and screaming, "I am king, I am God."
11 And that's when they proceeded to tell me that they
12 had previous numbers -- numerous calls on this
13 situation.

14 Q. And as far as this Exhibit 1 statement,
15 there is some information in the bottom that Mr. Dowd
16 asked you about on the bottom of the statement, and I
17 want to talk about that. But first, before we go any
18 further, this isn't your handwriting on the statement,
19 is it?

20 A. No, because I probably was nervous, scared,
21 you know. Because your heart is beating because you
22 seen something -- a human being, so my daughter was
23 writing this. But yes, I did, you know --

24 Q. And I understood you didn't tell her what
25 to put in --

EXAMINATION BY MR. FLOYD

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1 **A. No, I did not.**

2 Q. So this is her version as best you can
3 tell.

4 **A. Yes. Yes.**

5 Q. And in the bottom portion there is a
6 statement that says, heard he was Tased once, got up,
7 and then they did it again.

8 Now, I just want to ask you about that.

9 Because I want to know if you know anyone that
10 actually saw him get Tased and get back up.

11 **A. As me? No, sir, I don't know nobody that**
12 **told me or anything. As I was saying, when my**
13 **daughters, when they finally got down there, people**
14 **who stayed right there, Henquin or whatever the name**
15 **of the street, they were the ones that said that he**
16 **had got Tased, you know, fell, and then got back up**
17 **and then I believe they Tased him again.**

18 Q. But this is information that you're -- that
19 somebody heard from somebody else.

20 **A. That's my daughter, my daughters.**

21 Q. And do you know if that person that -- how
22 many people it went through? Can you tell us whether
23 it came from anybody that firsthand saw the Tasing?

24 **A. As I said, sir, all I know is my daughters**
25 **said when they got down there, they was not knowing,**

EXAMINATION BY MR. JOHNSON

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1 you know, could it be the lady who stayed right there
2 on the corner, or a man, I'm not for sure who told
3 them. I just know that they said by the time they got
4 there, people were saying that Mr. Moore got Tased
5 once, he fell, got back up, and they Tased him again.
6 And by the time -- that's what I'm saying, after they
7 got there and he was already getting ready to be put
8 into the ambulance, you know, that that's hearsay from
9 what the people were telling them.

10 Q. And my focus is, I've not heard anyone say
11 that he ever got back up. That once he was Tased, he
12 was on the ground. If there is anybody out there that
13 says he got back up, I'd like to know who said that.

14 MS. SHAFAIE: Form and foundation.

15 Q. (BY MR. FLOYD) And my point is, though, is
16 you can't point to anybody or name anybody personally
17 that saw him ever get back up after he was Tased
18 initially, is that correct?

19 MS. SHAFAIE: Form.

20 A. No, I cannot.

21 MR. FLOYD: I think those are all the
22 questions I have. Thank you.

23 EXAMINATION

24 BY MR. JOHNSON:

25 Q. Ms. Shurn, my name is Todd Johnson. Which

EXAMINATION BY MR. JOHNSON

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1 daughter wrote Exhibit 1?

2 **A. Alexus.**

3 Q. Does she live with you on Hancock?

4 **A. Yes, she does.**

5 Q. Does she work outside the home?

6 **A. No. She's looking for a job if you all
7 need her.**

8 Q. I'll see what I can do.

9 And did Alexus also go down to the scene
10 where the ambulance was that day?

11 **A. Alexus, Ajah, and Rosalind. All went.**

12 Q. Does Ajah stay with you at Hancock?

13 **A. Yes.**

14 Q. And how about Rosalind?

15 **A. Rosalind is no longer in St. Louis. She's
16 in Phoenix, Arizona.**

17 Q. What does she do down there?

18 **A. She's working for Convergys.**

19 Q. When the police showed up to meet with you
20 about this statement, was there just one police
21 officer?

22 **A. Yes, sir, there was.**

23 Q. And looks like this was about 12:20 in the
24 afternoon on the same day you saw the man naked in the
25 street. It says that at the top, is that fair?

EXAMINATION BY MR. JOHNSON

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1 **A. Yeah.**

2 Q. So it was later that day?

3 **A. Yeah, it was later on.**

4 Q. After lunch or during lunch?

5 **A. You know, that's four years ago, four years**
6 **ago, you can't remember everything. Yes.**

7 Q. Did the officer, Lieutenant Ballard, did he
8 tell you anything about the incident over and above
9 what you told us here today?

10 MS. SHAFAIE: Foundation.

11 **A. Only thing, you know, I asked questions**
12 **but, you know, he cannot tell us everything. You**
13 **know, we asked him questions but he did not give us**
14 **answers. He just told us that Mr. Moore, you know,**
15 **was transported on to the hospital. And like I say,**
16 **we did not find out what happened till later on, you**
17 **know.**

18 Q. (BY MR. JOHNSON) Was there a specific part
19 of the cars that you saw Mr. Moore push?

20 **A. I'm sorry, say it again.**

21 Q. Was there a specific part of the cars that
22 you saw Mr. Moore push?

23 **A. One, I know the car, when I noticed him in**
24 **the middle of the street, like maybe the first car he**
25 **hit the hood, you know, because he was standing in the**

EXAMINATION BY MR. JOHNSON

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1 middle of the street. So like I say, he pushed a car
2 and then, you know, he proceeded on walking. And
3 that's when he just kept pushing and going to windows
4 and just kept going, he just kept on going, maybe
5 like -- maybe three to four cars, and then that's when
6 he proceeded on down Airport Road still screaming, "I
7 am king, I am God."

8 Q. Did he walk as he proceeded down the road?

9 A. You got -- not saying he was running but,
10 you know, just fast-paced, fast-paced walking.

11 Q. Was he carrying anything?

12 A. No, sir, he was not.

13 Q. Did you observe any clothes that you
14 attributed to be his clothes in the street?

15 A. He didn't have -- if he had clothes on,
16 they had to be further down that I could not witness.
17 Because from Dade and Airport Road, right there at
18 that intersection, no, he did not.

19 Q. We received some audio calls to 911, and I
20 wish I had the capability to show you yours right now
21 but I don't. We transcribed some of those, and one of
22 the transcriptions to a female caller is about 6:49
23 a.m. and 40 seconds, where the operator says we got a
24 lot of calls on that to a female.

25 Do you recall the operator or dispatch

EXAMINATION BY MR. JOHNSON

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1 operator telling you they received other calls about
2 the incident?

3 **A. I said -- I don't remember what time I**
4 **called in, but I know that when I called, I was like,**
5 **you know, this is 911 dispatcher, may I help you? And**
6 **I'm like, well, I have -- there is a gentleman in the**
7 **middle of Airport Road and Dade. And that's when they**
8 **did tell me, well, we already have numerous callers on**
9 **this situation, and officers are on their way.**

10 **Q. Is there anything about that communication**
11 **that you recall other than what you've already told**
12 **me, the phone call to 911, in terms of what you said**
13 **or what the operator said?**

14 **A. That's all that was said. That we got**
15 **numerous calls on this situation. And officers are on**
16 **their way.**

17 **Q. Officers plural?**

18 **A. Officers are on their way.**

19 **Q. And the cars that you saw, the patrol cars,**
20 **was there more than one?**

21 **A. There was more than one, yes, sir.**

22 **Q. When Lieutenant Ballard met with you to**
23 **have you sign this statement that we marked as Exhibit**
24 **1, did he tell you that Mr. Moore had passed?**

25 **MS. SHAFAIE: Foundation.**

EXAMINATION BY MR. JOHNSON

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1 Q. (BY MR. JOHNSON) Did he tell you that he
2 died?

3 MS. SHAFAIE: Same objection.

4 A. I do not remember. I just know we asked
5 questions and, you know, with this being -- I'm not
6 sure about the words to say. No officer cannot tell
7 exactly what's going on with a case, so I do not
8 remember if he told us that he was deceased or he was
9 just -- I believe he just told us he was transported
10 on to the hospital.

11 Q. (BY MR. JOHNSON) Do you know a gentleman
12 named Albert Potter who used to live in Ferguson?
13 Albert Potter?

14 A. No.

15 Q. How about man named Alan Schilling?

16 A. No.

17 Q. Cardet Rhone?

18 A. No.

19 MR. JOHNSON: I have no further questions.
20 Thank you, ma'am.

21 THE WITNESS: You're welcome.

22 Q. (BY MR. DOWD) Do you know Tim Allen?

23 A. Who?

24 Q. Tim Allen?

25 A. No. I don't know -- at that time I didn't

EXAMINATION BY MR. JOHNSON

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1 **probably know nobody in Ferguson. No.**

2 MR. DOWD: Thank you very much for your
3 time.

4 MS. SHAFIAIE: So just so you know, you have
5 the right to either read everything that's been
6 transcribed today, and what that would entail is you
7 get a copy -- physical copy of everything that we've
8 talked about and that you've answered, and then if
9 there is a situation where you think that you said
10 yes, but it says no, or vice versa, you'd be able to
11 let the court reporter know that. So that's one
12 option.

13 The other option is you can waive your
14 signature, which means you'll just -- whatever the
15 court reporter puts down as having been said during
16 this deposition, is what was said.

17 So we can't give you advice as to what
18 option to choose, but just know that it's your right
19 if you want to review the transcript in full, you can.
20 Or if you just want to say whatever was said, you're
21 not going to look over and review, then you would just
22 say I'm going to waive signature. Okay. So just let
23 the court reporter know.

24 THE WITNESS: I would like to review it.

25 (The deposition concluded at 11:09 a.m.)

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1 REPORTER CERTIFICATE

2

3 I, KATHY BAUERNFEIND, a Certified Shorthand
4 Reporter, do hereby certify that there came before me
5 at Pitzer Snodgrass, P.C., 100 South 4th Street, St.
6 Louis, Missouri,

7 FATIMA SHURN

8 who was by me first duly sworn; that the witness was
9 carefully examined, that said examination was reported
10 by myself, translated and proofread using
11 computer-aided transcription, and the above transcript
12 of proceedings is a true and accurate transcript of my
13 notes as taken at the time of the examination of this
14 witness.

15 I further certify that I am neither
16 attorney nor counsel for nor related nor employed by
17 any of the parties to the action in which this
18 examination is taken; further, that I am not a
19 relative or employee of any attorney or counsel
20 employed by the parties hereto or financially
21 interested in this action.

22 Dated this 18th day of January 2016

23

24

25

Kathy Bauernfeind, CSR, CLR

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1

2 COMES NOW THE WITNESS, FATIMA SHURN, and
3 having read the foregoing transcript of the deposition
4 taken on the January 13, 2016, acknowledges by
5 signature hereto that it is a true and accurate
6 transcript of the testimony given on the date
7 hereinabove mentioned.

8

9

10 [FATIMA SHURN]

11

12 Subscribed to me before this
13 _____ day of _____, 2016

14

15

16 [Notary Public]

17

18 My commission expires: _____

19

20

21

23 TINA MOORE, et al. vs. CITY OF FERGUSON, et al.

24 Reporter: Kathy Bauernfeind, CCR, CSR

25 Date Taken: January 13, 2016

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